

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA

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| UNITED STATES OF AMERICA, Plaintiff, vs. OWEN ZACHARY SIMONSON, Defendant. | No. 4:23-cr-40087 DEFENDANT'S MOTION TO DISMISS |
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Comes now Defendant, Owen Simonson, by and through his attorney, Assistant Federal Public Defendant Matthew M. Powers, and moves the Court for its Order pursuant to FED. R. CRIM. P. 12(b) to dismiss the charged indictment.

The defense moves to dismiss the indictment on the grounds it violates the Second Amendment to the United States Constitution and applicable case law.

Defense Counsel has filed a contemporaneous Memorandum of Law in Support of Motion to Dismiss, which is incorporated herein by reference.

Dated this 22nd day of September 2023.

Respectfully submitted,

JASON J. TUPMAN

Federal Public Defender
By:

/s/ Matthew M. Powers

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